

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

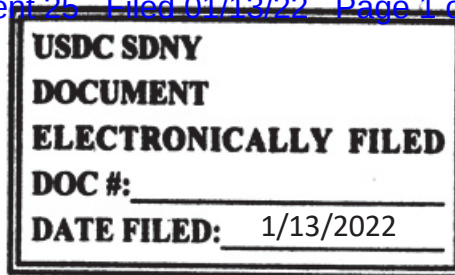
Federal Election Commission,

Plaintiff,

-against-

LatPAC et al.,

Defendants.



1:21-cv-06095 (ALC) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

It is hereby Ordered that Plaintiff shall file its motion for default judgment no later than February 3, 2022. Plaintiff's motion shall include the elements of each asserted cause of action and shall demonstrate how Plaintiff's allegations establish Defendants' liability as to each. *See, e.g., LG Capital Funding, LLC v. FLASR, Inc.*, 422 F. Supp. 3d 611, 623 (E.D.N.Y. 2018) ("With respect to liability, a defendant's default does no more than concede the complaint's factual allegations; it remains the plaintiff's burden to demonstrate that those uncontroverted allegations, without more, establish the defendant's liability on each asserted cause of action.").

In addition, Plaintiff shall file Proposed Findings of Fact and Conclusions of Law concerning all monetary or other relief that Plaintiff seeks. The submission shall contain a concluding paragraph that succinctly summarizes what monetary amount (or other relief) is being sought. Each Proposed Finding of Fact shall be followed by a citation to the paragraphs of the affidavit(s) and or page of documentary evidence that supports each such Proposed Finding.

In lieu of conclusions of law, Plaintiff may submit a memorandum of law setting forth the legal principles applicable to Plaintiff's claim or claims for monetary or other relief.


The Court hereby notifies the parties that it may conduct an inquest based solely upon the written submissions of the parties. *See Bricklayers & Allied Craftworkers Local 2, Albany, N.Y. Pension Fund v. Moulton Masonry & Const., LLC*, 779 F.3d 182, 189 (2d Cir. 2015) (quoting *Action S.A. v. Marc Rich & Co.*, 951 F.2d 504, 508 (2d Cir. 1991)); *Cement & Concrete Workers Dist. Council Welfare Fund, Pension Fund, Annuity Fund, Educ. & Training Fund & Other Funds v. Metro Found. Contractors Inc.*, 699 F.3d 230, 234 (2d Cir. 2012) (citation omitted). To the extent that any party seeks an evidentiary hearing, such party must set forth in its submission the reason why the inquest should not be conducted based upon the written submissions alone, including a description of what witnesses would be called to testify at a hearing and the nature of the evidence that would be submitted.

It is further Ordered that, no later than February 4, 2022, Plaintiff shall serve its motion papers, along with a copy of this Order, on Defendants by mail and file proof of service on the docket. Defendants shall send to Plaintiff's counsel and file with the Court their responses, if any, to Plaintiff's submissions no later than February 25, 2022.

The Clerk of Court is respectfully requested to mail a copy of this Order to *pro se* Defendant Askew.

SO ORDERED.

Dated: New York, New York
January 13, 2022



STEWART D. AARON
United States Magistrate Judge